



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

four parts occupy very unequal spaces: two hundred and fifty pages are devoted to the Orient and antiquity, and the remaining five hundred and fifty pages to the Middle Ages. Even thus, however, there is a great deal of padding. When the author, for instance, speaks of the Slavs, he devotes over twenty pages to their origin and historical development and to an account of some of their economic institutions. All of this may be very interesting, but has little or nothing to do with taxation. What is true of the Slavs is more or less true of the other peoples. It must also be noted that most of the space is devoted to that period of taxation with which we are the most familiar—that is, mediæval taxation, English and Continental. This field has been well worked, and it seems unnecessary to go over it again so much in detail. Nevertheless, some of his *aperçus* are very striking, as when he sums up the change from Roman to mediæval traditions, in the sentence: "*L'impôt devint un droit de propriété pour les uns et une servitude pour les autres.*"

The chief criticism to be urged is that the author, while he says a great deal about economic and political conditions, generally fails to grasp the real connection between economics and finance or to call attention to those particular economic institutions which conditioned the fiscal development. Such statements as that the Arab is on the whole refractory to the notion of "taxes consented to and voluntarily paid" (p. 494), show that M. de Flaix sometimes describes as national characteristics what are nothing more nor less than the inevitable accompaniments of certain stages of economic progress.

The two volumes of M. de Flaix cover a great deal of interesting and valuable ground; but, with comparatively few exceptions, they contain little that is not to be found elsewhere; and much of the information that they do contain is not put into its proper perspective. For those, however, who wish to have a convenient epitome of the earlier fiscal systems and a good general account of feudal finance the book may be commended.

E. R. A. SELIGMAN.

A Handbook of Greek Constitutional History. By A. H. J. GREENIDGE. London, Macmillan & Co., 1896.—xvii, 276 pp.

This little volume presents in a useful form the salient features of the constitutional law that characterized Hellenic antiquity. All the qualifications for satisfactorily handling this theme are seldom found in a single author. The facts that the modern student requires in

order to reconstruct the public law of Hellas are usually imbedded deeply and inextricably in the antiquarian junk of which the average "handbook of antiquities" is composed. Mr. Greenidge, however, has selected and systematized constitutional principles in something of the spirit of the modern political philosopher, and has not allowed himself to be swamped by a mass of extraneous or insignificant details. The book is, accordingly, most convenient for the comparison of Hellenic with later Aryan legal and political institutions.

In his introductory chapter the author explains in a suggestive but withal a somewhat vague and inconclusive manner the Greek conceptions of "state," "constitution," "citizen" and "law." In stigmatizing as "a strange notion" the familiar idea that in Hellas the individual was subordinated to the state, he seems to have temporarily lost his bearings. The construction which he puts upon the phrase criticised is by no means the only possible construction, and is certainly not that which is most common. In describing the Greek idea of law he is more successful; and especially commendable is the stress which he lays, both at the beginning and throughout his work, on the fact that lawmaking "was not contemplated as a regular function of government in Greek states." The relation between *ψηφίσματα* and *νόμοι* at Athens is effectively presented, and the extreme importance of the part played by the Heliastic court in the working of the constitutional machinery stands forth in a clear light. The analogy between the function of this court and that of the United States Supreme Court in respect to constitution-making is rather striking. The precise content of the Athenian *νόμοι* was as uncertain on all points as that of our constitution is on some points. The famous *γραφὴ παρανόμων* raised the question of constitutionality, and the Heliastic court gave the final decision on the case presented. At Athens, as at Washington, constitution-making under the guise of constitution-interpreting went on through the channels of judicial activity. Mr. Greenidge, while clearly suggesting this analogy, is properly aware of the danger of pressing it too far, and his treatment of the point is scientifically circumspect.

The sane and practical method pursued by the author throughout his work is well illustrated by his chapter on "Mixed Constitutions." He defends Greek thinkers from the charge of superficiality in assuming the possibility of a *μικτὴ πολιτεία*, by showing that the charge rests upon the Austinian conception of sovereignty as a law-making power vested in a determinate number of individuals. Such a conception was impossible to the Greek mind, and would have

corresponded to no fact of Hellenic political life. And even if an aggregate of individuals could have been detected who might constitute a determinate sovereign, the discovery would have had no value to the Greek. To him it was important to know, not what men held power in the state, but how the power was distributed among them.

His sovereign (τὸ κύριον) was merely vested with executive functions ; and as it is far easier to conceive the distribution of executive than of legislative power, the idea of a μικτὴ πολιτεία was a far more natural conception to a Greek than that of a "mixed constitution" can ever be to us. [p. 75.]

Mr. Greenidge's treatment of the Spartan state and its dependencies is particularly lucid and instructive. Here, however, as in the description of all the non-Athenian institutions, the exasperating scantiness of authentic information is perhaps the most conspicuous revelation of the work. At times the author ventures to assert without qualification what precision would require to take the form of conjecture ; but for the most part he frankly declares the inadequacy of the authorities. At times, again, his expressed or implied analogies with modern conceptions and institutions are a little risky. His use of the very recent phrase "sphere of influence," while exemplifying the convenience of the expression, often varies considerably from the sense originally attached to it in connection with African affairs. The phrase doubtless has before it a great future, which is foreshadowed in Mr. Greenidge's extension of its meaning. That other product of the partition of Africa, "*Hinterland*," does not appear in the present volume ; but it will also doubtless soon be seized upon by some historian of classic antiquity.

In the troublesome matter of transliteration Mr. Greenidge is conservative ; but he makes the "metics" of our older writers figure as "metoecs," though he inconsistently refrains from transforming the *perioeci* into "perioecs."

WM. A. DUNNING.

Societas publicanorum. VON DR. FERDINAND KNIEP, Professor der Rechte in Jena. Erster Band. Jena, Gustav Fischer, 1896. — xvi, 520 pp.

The conscientious reviewer who has read this book through lays it down with a lively sense of the inadequacy of its title. It should be styled : "Essays upon various doctrines of the Roman law, public and private, as exemplified in Roman financial administration." Such a title would, indeed, give no complete idea of the variety of